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1 — Midwest City will test former Eagle Industries site for contamination, Oklahoman, 12/17/17

<http://newsok.com/midwest-city-will-test-former-eagle-industries-site-for-contamination/article/5576059>

The City of Midwest City will conduct environmental testing on a property it owns after The Oklahoman reported the site could contain cancer-causing toxins. The mayor and city council voted late Tuesday to spend \$24,681 on soil and groundwater tests at 8828 SE 29 St. It was previously owned by Eagle Industries, which illegally dumped trichloroethylene at a property two miles east, 10901 SE 29 St. That location is now a Superfund site.

2 — EPA Approves Louisiana Regional Haze Plan, SAT PRNEWS, 12/15/17

<http://www.satprnews.com/2017/12/18/epa-approves-louisiana-regional-haze-plan/>

The U.S. Environmental Protection Agency (EPA) is approving the state of Louisiana's clean-air plan for regional haze. The plan will reduce regional haze in Louisiana and meets federal Clean Air Act requirements. EPA determined Louisiana's plan establishes goals to make reasonable progress toward reducing haze, a long-term strategy and technical requirements for electric-generating and non-electric-generating units to meet requirements of the federal Clean Air Act's Regional Haze Rule.

3 — WASTELAND: HOW A GAS LEAK IN OKLAHOMA LED TO A FAMILY TRAGEDY, Fusion TV, 12/15/17

<https://fusion.net/story/584767/wasteland-gas-leak-tragedy/>

herry Walls should be able to turn on her gas heater to combat the stinging cold of winter without worrying that she might blow up her house. Her home, on a red brick road in Ponca City, Oklahoma, should be a place where her children can safely sleep. What there shouldn't be is a methane leak under her house. There also shouldn't be so much confusion regarding the source of the flammable gas, which appears to seep up through the floorboards, or who has the authority and the responsibility to clean it up.

4 — Bayou Bridge Pipeline gets Army Corps permit for Louisiana right of way, Times Picayune, 12/14/17

http://www.nola.com/environment/index.ssf/2017/12/bayou_bridge_pipeline_gets_arm.html?platform=hootsuite

The controversial Bayou Bridge Pipeline has been granted a permit by the New Orleans District office of the U.S. Army Corps of Engineers to cross southern Louisiana between Nederland, Texas, and St. James Parish, including wetland areas across the Atchafalaya River Basin, the corps announced late Thursday (Dec. 14).

5 — Where Wind Farms Meet Coal Country. There's enduring faith in Trump, NY Times, 12/14/17

<https://www.nytimes.com/interactive/2017/12/14/business/economy/trump-coal-alternative-energy.html?rref=collection%2Fsectioncollection%2Fclimate>

No place is more likely than this one to benefit from President Trump's promise to make the United States a dominant energy force in the world, or more likely to be disappointed if the promise is not kept. A sparsely populated expanse of windswept rolling meadows and sharp bluffs filled with pine trees and the occasional ranch and hay farm, Converse County also has some of the country's richest resources: the nation's third-largest coal mine, its largest uranium production facility, four big wind farms, more than a thousand oil and gas wells, and a large coal-fired power plant.

6 — Opinion: All I want for Christmas is a stronger, cleaner planet, Times Picayune, 12/17/17

http://www.nola.com/opinions/index.ssf/2017/12/environmental_christmas_list.html#incart_river_index

They started out calling it a hoax, moved to claiming it's happening but isn't caused by man - and now most say, "OK, man is involved, just not a major factor." But Louisiana's own scientists say reducing greenhouse gas emissions is the key to saving most of the state south of U.S. 90 from sea level rise over the next 60 years.

7 — EPA seeks input to rework rule on lead in drinking water, Reuters, 12/18/17

<https://www.reuters.com/article/us-usa-epa-lead/epa-seeks-input-to-rework-rule-on-lead-in-drinking-water-idUSKBN1E82MK>

The U.S. Environmental Protection Agency said on Thursday it will seek input from state and local officials as it considers how to rework a 1991 rule meant to protect people from lead and copper contamination in drinking water.

8 — Climate science debate 'on hold' after White House meeting, E&E News, 12/15/17

<https://www.eenews.net/climatewire/stories/1060069087>

The idea of a "red team, blue team" debate to critique climate science — championed by EPA boss Scott Pruitt — has created divisions within the Trump administration, spurring high-level staff discussions at the White House about how to proceed.

9 — U.S. Military Not Doing Enough to Prepare Bases for Climate Change, GAO Warns, Inside Climate, 12/14/17

<https://insideclimatenews.org/news/14122017/military-climate-change-risk-cost-bases-overseas-congress-gao-report>

The Pentagon has been praised for starting to address global warming, but a report for Congress finds the risks aren't tracked well enough at facilities overseas.

10 — EPA to weigh rollback of oil and gas smog guidelines, Greenwire, 12/15/17

<https://www.eenews.net/greenwire/2017/12/15/stories/1060069187>

U.S. EPA is mulling the repeal of guidelines to curb smog-forming emissions from existing oil and gas operations, potentially signaling the latest in a series of steps that would benefit fossil fuel producers. As early as next month, EPA officials intend to seek public comment on the possible withdrawal of "control techniques guidelines" put in place last fall to limit releases of volatile organic compounds, according to an item in the agency's semiannual regulatory agenda released yesterday.

11 — IG to probe hurricane response, Greenwire, 12/15/17

<https://www.eenews.net/greenwire/2017/12/15/stories/1060069177>

U.S. EPA's internal watchdog is set to examine the agency's response to this year's hurricane season. In a notice released this week, the EPA inspector general said it plans to start "preliminary research" on the agency's preparation and response to the major storms that affected the Region 2, 4 and 6 offices.

12 — Railroad Commission still a nonbeliever on ties between North Texas earthquakes, injection disposal wells, Dallas Morning News, 12/13/17

<https://www.dallasnews.com/opinion/editorials/2017/12/13/railroad-commission-still-nonbeliever-ties-north-texas-earthquakes-injection-disposalwells>

North Texas' seismic tremors aren't predictable, unlike the Texas Railroad Commission's response to earthquake swarms. A study published recently in the journal Science Advances concludes that high-pressure wastewater injection disposal wells used to bury fluids from hydraulic fracturing activities revived dormant faults near Dallas. Like clockwork, the Railroad Commission insists again that this isn't a conclusive link between earthquake swarms and oil and gas activity.

13 Nutrient proposal advances, Ark. Democrat Gazette, 12/17/17

<http://www.arkansasonline.com/news/2017/dec/17/nutrient-proposal-advances-20171217/>

The first proposed outline to trade nutrients through a watershed has been approved to take to Arkansas' pollution control board nearly three years after the state Legislature voted to allow the proposals. Four Northwest Arkansas cities -- Bentonville, Fayetteville, Rogers and Springdale -- proposed the program, which could be used by wastewater treatment plants in the nutrient-beleaguered area to lessen the restrictions on the amount of phosphorus that they discharge into the water, all while another facility in the same watershed has its restrictions tightened.

14 Federal Water Posse Strikes Again, AG Web, 12/15/17

<https://www.agweb.com/article/federal-water-posse-strikes-again-naa-mike-walsten/>

So you thought the revocation of the Obama administration's onerous rewrite of the Clean Water Act (WOTUS) preserved your property rights. Think again. The water posse from the Environmental Protection Agency (EPA) and Army Corps of Engineers (Corps) is still out there and as active as ever. Note what happened to an Ogle County, Ill., farmer who wanted to do the right thing and reduce soil erosion on his farmland by implementing various soil conservation practices. The farmer consulted with USDA's Natural Resources Conservation Service (NRCS) and then proceeded to install the approved conservation program, including installing grass water. He finished installing the waterways in March.

15 Fort Smith in preliminary stages of consent decree renegotiation, Times Record, 12/16/17

<http://www.swtimes.com/news/20171216/fort-smith-in-preliminary-stages-of-consent-decree-renegotiation>

Renegotiating a mandate that led to sewer bills increasing 167 percent has been a priority for city officials — and they could make progress after a new regional EPA administrator was named this week. Fort Smith's Board of Directors entered into a federal consent decree with the U.S. Department of Justice in late 2014 without fighting it in court.

16 Santa Fe Weighs Ability To Provide Clean Water Among EPA Cuts, 12/18/17

<https://www.wateronline.com/doc/santa-weighs-ability-provide-water-epa-cuts-0001>

As the Trump administration works to reduce spending by the U.S. EPA, some states fear how cuts could affect their water and wastewater treatment work. Many states depending on EPA programs like State Revolving Funds (SRFs) to propel their efforts on things like drinking water infrastructure and wastewater treatment technology. A new report from New Mexico demonstrates the issues that could arise if these programs are cut back.

Midwest City will test former Eagle Industries site for contamination



by Justin Wingerter • Published: December 17, 2017 5:00 AM CDT • Updated: December 17, 2017 5:00 AM CDT



A vacant property at 8828 SE 29 Street in Midwest City will be tested for trichloroethylene, which was found at a Superfund site two miles down the road. [Photo by Justin Wingerter, The Oklahoman]

MIDWEST CITY — The City of Midwest City will conduct environmental testing on a property it owns after *The Oklahoman* reported the site could contain cancer-causing toxins.

The mayor and city council voted late Tuesday to spend \$24,681 on soil and groundwater tests at 8828 SE 29 St. It was previously owned by Eagle Industries, which illegally dumped trichloroethylene at a property two miles east, 10901 SE 29 St. That location is now a

Superfund site.

Jerry Sultuska, a former Eagle employee, has said he and co-workers dumped trichloroethylene and other toxic chemicals at 8828 SE 29 after washing their hands and face with the carcinogen. The property was purchased by Midwest City in 2014 and has sat vacant since. Fifteen drums of radium-contaminated soil are buried beneath it.

“Our goal,” said Robert Coleman, the city’s economic development director, “is to get the property to a level of compliance where we can do commercial development out there as quickly as possible, even though we may not move on it tomorrow.”

“It’s a great spot,” he added in an interview Tuesday. “It’s right on (Interstate) 40. It’s easy to see. You’ve got exit ramps on either side of it right now and there’s probably somewhere in the neighborhood of 80,000 to 90,000 cars a day that go in the vicinity.”

'Barrel of monkeys'

City council members have been surprised and frustrated by the realization that the city bought property from a polluter — property which cannot yet be developed and may contain deadly toxins. Prior to its purchase, city staff had been told the site was uncontaminated and suitable for development. A consultant who reached those conclusions never interviewed

from THE NEWSOK HOMEPAGE

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Sultuska or tested the site for trichloroethylene.

Five days after *The Oklahoman* article was published on Nov. 12, city staff spoke to Sultuska, who told them tests in 1976 found groundwater contamination and “confirmed it was commonplace to pour empty containers of chemicals just outside the doors” of two buildings at 8828, according to a memo Coleman sent to council members.

“We bought this barrel of monkeys and now we’re stuck with it,” said Councilwoman Susan Eads.

Councilman Pat Byrne, who represents the area around 8828, has expressed skepticism about claims of contamination at the property and press coverage of Eagle Industry’s illegal actions.

“Do we know if there’s a problem here, then?” he asked Coleman on Tuesday. “I know the paper thinks — the news thinks there is. Is there a problem here?”

Coleman, along with Mayor Matt Dukes and city manager Guy Henson, are unsure but believe the city’s best course of action is to move ahead with immediate testing. They were told Tuesday that Oklahoma Department of Environmental Quality testing is at least a year away and the Environmental Protection Agency’s process would take even longer. Coleman expects SCS Engineers, the firm hired by the city, to have results in eight to 10 weeks.

Rita Kottke, an environmental programs director at DEQ, told council members that EPA headquarters in Washington has shown an interest in the site at 8828 SE 29. The EPA, now headed by former Oklahoma Attorney General Scott Pruitt, contacted DEQ and pushed them to conduct environmental testing, the first step in the Superfund process.

“We’ve talked to EPA and asked them for the opportunity to see if anything’s actually there because we have no data at this point,” Kottke said Tuesday. “If we can show them it’s not as contaminated as everyone seems to think it is, then they’ll back off.”

She urged Midwest City to conduct its own testing and share that data with DEQ to “stop the EPA in their tracks.”

“Unless it is that bad. If it is bad then maybe you do want EPA coming in and making it a Superfund site,” she said.

When soil and groundwater tests are complete sometime next year, several outcomes are possible. The tests could find no cause for concern, allowing Midwest City to develop the site and attract a grocery store or other retail opportunity. The tests could find minor contamination curative with soil extraction and other actions. Or the tests could find dire contamination requiring massive EPA action.

“If they were to put us on the Superfund list, while that would prohibit development in the area, it would also provide the means for cleanup of the area without millions of dollars of investment by us or by a developing entity,” said Eads, the councilwoman.

Superfund cleanup would require decades of work and cost federal taxpayers millions of dollars, a process already playing out two miles east at 10901 SE 29th Street. Eagle Industries has never paid a fine for its illegal dumping, first identified in 2003, and closed its doors in 2010.

Residents petition

win

One star who refused to work with Andy Griffith

Posthard

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Northeast of the Superfund site at 10901, where Eagle employees polluted the groundwater, 34 residents reliant on groundwater have filed a petition asking Midwest City to install a water line extension and connect them to the city’s water system. Some have expressed frustration at the proposed cost: between \$721 and \$1,050 per household.

“To charge more for water connections in our community is discrimination against the poor people,” said resident Teresa Scott. “The poor and the people on fixed incomes shouldn't have their rights to health and safety withheld ... 80 percent of our neighborhood will not be able to afford this.”

The city council has repeatedly postponed construction of the \$322,154 water line. Councilman Sean Reed said the council is waiting to survey all 45 homeowners in the area and gauge support for the plan. In a testy exchange, he and Scott debated when the city learned of Eagle's illegal contamination.

“The city, in no way shape or form, allowed the water to be polluted,” Reed told her. “That is not a true statement in any shape or form.”

“The city,” said Dukes, the mayor, “is not responsible for the actions that were taking place on private property at Eagle Industries. Unless we had a reason to be there — on a fire or a code enforcement issue or some other issue — we had no reason to even expect that they were doing what they were doing.”



Justin Wingerter

Justin Wingerter is the federal government reporter for The Oklahoman, covering the state's congressional delegation, Oklahomans in Washington and... read more ›



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DECEMBER 18, 2017 BY LUDWIK DONIMIRSKI

EPA Approves Louisiana Regional Haze Plan

News Releases from Region 06

12/15/2017

Contact Information:

DALLAS – (Dec. 15, 2017) The U.S. Environmental Protection Agency (EPA) is approving the state of Louisiana's clean-air plan for regional haze. The plan will reduce regional haze in Louisiana and meets federal Clean Air Act requirements.

EPA determined Louisiana's plan establishes goals to make reasonable progress toward reducing haze, a long-term strategy and technical requirements for electric-generating and non-electric-generating units to meet requirements of the federal Clean Air Act's Regional Haze Rule. This rule requires states to make progress toward achieving natural visibility conditions in some of the nation's most treasured wilderness areas. In Louisiana, this includes the Breton National Wildlife Refuge off the state's eastern coast.

States must submit plans for achieving these progress goals by reducing harmful emissions of nitrogen oxides, sulfur dioxide, and particulate matter. Louisiana's plan includes reduction of sulfur dioxide, oxides of nitrogen and particulate matter using best-available retrofit technology (BART) at six electric-generating units and three other facilities. The plan also calls for emissions limits at NRG Big Cajun II, which is not subject to BART requirements.

Haze forms when sunlight hits tiny particles of air pollution (both naturally occurring and man-made). The particles absorb some light while other light is scattered before it becomes visible. The greater number of pollutant particles, the more light is absorbed and scattered. The haze reduces clarity and color of what we can see. In addition, pollution that leads to haze can harm people's health and the environment. Exposure to these small particles in the air has been linked to increased respiratory illness, decreased lung function, and even premature death.

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WASTELAND: HOW A GAS LEAK IN OKLAHOMA LED TO A FAMILY TRAGEDY

BY DANIEL RIVERO ([HTTPS://FUSION.NET/AUTHOR/DANIEL-RIVERO/](https://fusion.net/author/daniel-rivero/))

12 (<https://fusion.net/2017/12/>)15 (<https://fusion.net/2017/12/15/>)17 (<https://fusion.net/2017/>) 4:43 PM

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Sherry Walls should be able to turn on her gas heater to combat the stinging cold of winter without worrying that she might blow up her house. Her home, on a red brick road in Ponca City, Oklahoma, should be a place where her children can safely sleep.

What there shouldn't be is a methane leak under her house. There also shouldn't be so much confusion regarding the source of the flammable gas, which appears to seep up through the floorboards, or who has the authority and the responsibility to clean it up.

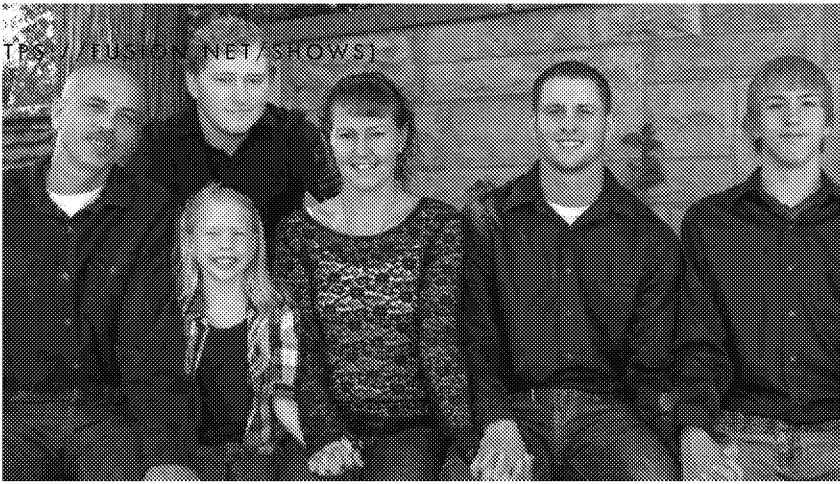
"We had a life like what a lot of people wanted," Walls told me. "We lived paycheck to paycheck but we weren't struggling."

Then that life fell apart. A stack of letters, property records, and other documents provided to Fusion's *The Naked Truth* investigative team reveal how an insidious gas slowly but steadily unraveled the lives of the Walls family. But this story is about more than one house in Ponca City. It's also about the human toll of the crusade to prevent the federal government

(<https://obamawhitehouse.archives.gov/realitycheck/the-press-office/2013/06/25/remarks-president-climate-change>) from regulating greenhouse gases like methane. That mission has been carried from

Oklahoma to Washington D.C. by one man in particular: Scott Pruitt

(<https://www.politico.com/interactives/2017/scott-pruitt-promises/>), the head of the Environmental Protection Agency.



Sherry Walls family picture: The Walls family. From left to right: father Chris Walls (deceased), Chris, Diamond, Sherry Walls, Kyle (deceased), Justin Walls. Photo Courtesy Sherry Walls

Walls grew up in this Tornado Alley town of about 25,000, with its deep history in the oil and gas industry. The area had suffered environmental problems in the past, but for Walls, Ponca City was home. She and her husband, Chris, moved into their home back in 1998. The couple bought the house in 2006. They had three sons, Christopher, Kyle, and Justin, and in 2010, they had a daughter, Diamond. They worked hard to pay off their mortgage.

In hindsight the warning signs were there. Beginning in the mid-2000s, crews from the local gas company came to inspect the Walls' property every six months. It was routine, they said. A proactive measure.

Then in 2013, Chris Walls had a major knee surgery and couldn't work. With his wife taking time off from her job at a nearby video store to care for their daughter, the bills stacked up. They had already filed for bankruptcy a few years earlier.

That was just the beginning.

This story is part of a year-long investigation into EPA Administrator Scott Pruitt's environmental legacy in Oklahoma by Fusion's Naked Truth documentary team. Watch The Naked Truth: Wasteland December 19 at 9 p.m. ET, only on Fusion TV.

On October 10, 2013, an inspection by the gas company detected a methane leak. That was the day the company shut off the family's gas, fearing an explosion. The couple and their children had to leave. For the next few years, the family was in limbo, moving between hotels and short-term rentals, with financial help from gas and oil companies, the Red Cross, neighbors and friends, all the while trying to get someone to help make their home safe again.

"I just want to move on. I want to come home. I want to sleep in my bed," Chris Walls told (<http://kfor.com/2013/11/01/family-at-wits-end-after-methane-leak-forces-them-out-of-home/>) local media about a month after they were forced to move out.

A year into the ordeal, the couple, and another family in a similar situation, wrote to state officials, begging for assistance in finding the source of the leak, as well as any "creative, and equitable solutions."

The legislature would eventually pass a bill to provide funding to help families like the Walls. Pruitt, who as Oklahoma's attorney general was arguably best positioned to find a legal solution to help the Walls, did nothing.

Pruitt's office responded to her entreaties with a letter (<https://www.documentcloud.org/documents/4321872-20171205111050350.html>) asking the couple to submit an official complaint, which Sherry Walls says they did. "I never heard anything else back from Scott Pruitt's office," she said. Nearly two years later, Pruitt would file a lawsuit against the Obama administration to block the EPA's regulation of methane, one of 14 lawsuits he filed against the agency before he became its administrator. For Pruitt, the federal government was intruding on the states, which were better equipped to handle such issues on the ground.

The Walls' home in Ponca City sits across the street from the Phillips 66 refinery, formerly owned by ConocoPhillips, and before that, Conoco. As of 2015, the EPA had rated the facility over 80 times more risky to human health (<https://oaspub.epa.gov/enviro/rsei.html?facid=74603CNCNP1000S>) than the

industry average. A nearby school closed in the 1970s when dozens of students were hospitalized
SHOWS (https://www.poncacity.net/shows/docs/oklahoma_centennial_1907-2007_section_I.pdf) after inhaling
toxic fumes. In 1990, Conoco bought out 400 of the homes
(http://www.nytimes.com/1990/04/03/us/oil-company-agrees-to-buy-homes-of-those-who-sued-
it.html) in the neighborhood after residents sued over the plant's alleged contamination of their
groundwater. The company did not admit any liability in the suit or subsequent settlement.

Today, empty lots, parks, and riverbanks are spotted with flags warning of gas pipelines below. In recent
years, scientists have found (https://www.documentcloud.org/documents/4321881-2015-11-30-FINAL-
Fisher-Expert-Report.html) carcinogens like benzene, a chemical often associated
(https://www.sciencedirect.com/science/article/pii/S1438463905000428) with oil refineries, lurking in
the groundwater.

No one could pinpoint the source of the Walls' methane leak. Oklahoma Natural Gas, the family's gas
provider, did its own testing and determined that the leak was not coming from its lines. So, the case
was handed over to the Oklahoma Corporation Commission (OCC), the state agency that regulates oil
and gas. State inspectors came out but couldn't identify the source, and even if they had, the state had
no laws to regulate leaks from greenhouse gases like methane, even though two years before Pruitt, as
attorney general, had asked the Obama administration to leave such matters up to Oklahoma.

Soon after the leak was detected, Chris Walls started experimenting with the dirt outside his house,
which state regulators told him was contaminated. When he put a lighter to it, it would catch fire. He
started a Facebook page called "Wastelands in the Heartland (https://www.facebook.com/Wastelands-
in-the-Heartland-303941133145450/?hc_ref=ARToFNN6nGKPSHIRTpCQI-
7c0KfCJLfs3WbtZpGjpaKpd2GTdaKxJHmYyFG-qqs8oNo&fref=nf)," documenting the plight of his
family and another facing a similar situation in nearby Owasso, OK.

Posted by Wastelands in the Heartland
286 Views

Methane coming up from under my bedroom floor in Ponca City.

1 Comment Share

In her diary, Sherry Walls described day 100 of being homeless, when her husband decided to dig under
his house and investigate for himself. "I'm at work and start seeing pics of a big hole in my bedroom
and read that the dirt is flammable," she wrote. "I start freaking out 'cause he has our daughter over
there with him. But I also understand his frustration because the OCC is not going to do no more than
they have to."

The day after her husband started digging, Sherry Walls wrote that the OCC had called her husband,
"basically begging him to stop what he was doing and just get out of the house. [The OCC rep] was
telling him this stuff is very dangerous. Yet we keep getting told there's no potential danger. Which is it?"

Initially, Oklahoma Natural Gas and the Red Cross helped pay for the family's hotel stays. Then Phillips
SHOWS (HTT [P](http://www.denverchannel.com/news/local-news/soldier-found-dead-in-fort-carson-barracks-identified-as-pfc-kyle-j-walls) to, who had son of it, how
ConocoPhillips picked up the tab.

ConocoPhillips provided an oil well map to the state showing up to six abandoned oil wells located near the family's property. It kept paying the family's hotel costs for several months, offering to lease their house with an option to buy. The Walls refused because they wanted to return to their home and didn't feel the offer was enough.

Then, on day 134, ConocoPhillips stopped paying. The company said it was not responsible for the leak.

"As a goodwill gesture, ConocoPhillips paid a portion of lodging expenses for the Walls family during this investigation period," company spokesman Daren Beaudou told me in an email. "While we understand the frustration the family has experienced, we feel we acted responsibly and compassionately to an issue that ultimately was determined to not be ours."

Not knowing what to do next, Sherry Walls called the family's bankruptcy attorney, who was trying to find the couple another attorney who could help them with the gas leak.

As Sherry wrote in her diary, the bankruptcy attorney's response to her call was that "no one sees money in this unless someone becomes terminally ill or dies."

That attorney "said he hasn't given up trying to get us an attorney, but being honest no one sees money in this unless someone becomes terminally ill or dies," Sherry wrote. "So, it will take a tragedy before anyone will care was my comment to him, and he said unfortunately yes."

The first tragedy struck hundreds of miles away from Ponca City.

On the morning of October 24, 2016, in the barracks of Fort Carson, Colorado, soldiers found the body (<http://www.thedenverchannel.com/news/local-news/soldier-found-dead-in-fort-carson-barracks-identified-as-pfc-kyle-j-walls>) of Kyle Walls, 21, on the bathroom floor. The cause of death was suicide by hanging.

Kyle had only been in the military for 11 months, having left his then-homeless family in Ponca City to serve his country.

An Army investigation determined that a series of personal issues, along with an "undetected poor mental state," contributed to Kyle's death. Five days before his suicide, Kyle transferred his \$50,000 life insurance policy away from his wife, with whom he was having issues, to his mother, documents obtained through a Freedom of Information request show.

"I had seen the difference... It was like, 'Are you okay, son?' and he'd just say, 'Yeah, I'm okay,'" said Sherry Walls. "He just wasn't himself."

At the time of Kyle's death, the family had already returned home. No one recommended they return, but if they did, the OCC warned they should switch to all electric appliances. The gas company wouldn't resume service. There would be no central heating, even on the 20 degree nights.

That's when the state legislature stepped in and passed a law (<https://www.okhouse.gov/Media/PrintStory.aspx?NewsID=5050>) to provide money for assistance in the case of the Walls' home, and for similar cases. With it, the Oklahoma Corporation Commission set up a \$30,000 ventilator in the house to reduce indoor methane levels. It didn't work.

"When we came, we got headaches and we felt also we could taste something in our mouth," said Sherry.



Chris and Sherry with their son: Sherry and the late Chris Walls with their late son Kyle. Photo Courtesy Sherry Walls

According to the National Institute of Health, in confined areas at high enough concentrations, methane is an asphyxiant (https://toxtown.nlm.nih.gov/text_version/chemicals.php?id=92), displacing the oxygen needed for breathing. In such instances, it can cause headaches, dizziness, and even a loss of consciousness. At the highest rate measured, the methane coming out of the ground under the Walls' home was nearly the equivalent to what you would see from a commercial gas well, said George Schwarz, a field inspector for the OCC. It's unclear if the concentration at the Walls' home was ever high enough to produce the symptoms the family reported.

Methane is odorless, but as it comes to the surface, other chemicals ride along, carcinogens like benzene with smell and taste. When a team from *The Naked Truth* visited, they, like the family, experienced the metallic taste as soon as they walked through the door.

Schwarz, who had gotten to know the family through the years of inspections, often swapped theories about the leak with Chris Walls. But after his son's death, Chris became overwhelmed.

"We were both such different people from losing our son," said Sherry Walls. "You're just not the same person when you lose a child, especially at 21-years-old."

As the Walls moved back home in Ponca City, federal methane regulations were moving forward in Washington. In 2007, the EPA lost a Supreme Court battle in which the Bush administration argued it lacked authority to regulate greenhouse gases. The court disagreed (https://scholar.google.com/scholar_case?case=18363956969502505811&hl=en&as_sdt=6&as_vis=1&oi=scholar), saying that under the Clean Air Act, the feds *must* regulate gases like methane and CO₂.

Federal regulations would help cases at the local level, because states must follow federal guidelines. They could also mean more state funding to help families like the Walls, since federal funds would be funneled to states to offset the cost of the additional oversight of oil and gas operations.

The Obama administration took the court at its word. Yet in 2011, as the administration was slated to start regulating methane, it ran up against Oklahoma attorney general Pruitt, who protested the forthcoming regulations. The Obama administration pressed on, and in June 2016, it finalized (<https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/new-source-performance-standards-and>) its signature rules on methane emissions "from both new and existing sources in the oil and gas sector."



Looking at floor: Sherry Walls, family friend Clay Pemberton and Fusion's Natasha del Toro during a shoot for the forthcoming documentary *Wasteland*, in the Walls residence. Photo: The Naked Truth

Two months later, Pruitt joined a lawsuit (<http://newsok.com/article/5512380>) filed by a dozen states against the EPA, once more arguing the responsibility to regulate belonged with them.

On his way out of office, the Obama administration added another requirement: an "Information Collection Request" for oil and gas companies to give the EPA more data about methane emissions to better inform decisions about regulations.

In March 2017, weeks after he took over the EPA, Pruitt withdrew (<https://www.epa.gov/newsreleases/epa-withdraws-information-request-oil-and-gas-industry>) that request, a move oil and gas lobbyists in Oklahoma quickly thanked him for (https://www.nytimes.com/2017/10/05/insider/foia-scott-pruitt-epa.html?_r=0). He also pushed to delay the Obama administration's earlier regulations, a move a federal judge called ([https://www.cadc.uscourts.gov/internet/opinions.nsf/a86b20d79beb893e85258152005ca1b2/\\$file/17-1145-1682465.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/a86b20d79beb893e85258152005ca1b2/$file/17-1145-1682465.pdf)) "arbitrary, capricious, and in excess of statutory authority." Undeterred, Pruitt moved again to delay the regulations by creating a new rule (<https://www.federalregister.gov/documents/2017/11/08/2017-24344/oil-and-natural-gas-sector-emission-standards-for-new-reconstructed-and-modified-sources-stay-of>) altogether. The delay could go into effect as soon as January 2018.

Meanwhile, in early December, the Department of the Interior kicked off a separate process to delay (<https://earther.com/trump-just-won-t-give-up-on-undoing-obama-s-methane-rul-1821095856>) methane waste prevention rules.

The Walls family continued in a state of uncertainty as they watched the larger fight play out in Washington, until again, the unthinkable happened.

On Father's Day 2017, Chris Walls hung himself in the family garage.

Neither her husband nor her son left her a note, but Sherry Walls partly blamed their living situation for the tragedy.

"I feel like it took a lot of his manhood away, that he didn't feel like the husband and the father to support his family when we were running around from one hotel to rental to a hotel," she said.

"We all know something is seriously wrong. How much longer do I have to fight?"

Ken Hill, Chris Walls' boss at a local company that works on water and gas pipelines, recalled how Walls would have to leave work abruptly to deal with a situation at home. His son Kyle's death was the last straw. "He never got over it," Hill said.

In October of this year, Schwarz returned to test around the home again and take readings. The methane was still there despite the ventilator.

"I'm sorry it didn't work out," Schwarz told Sherry Walls. Aside from continuing to take readings, there was he could do.

The idea that states have robust regulatory bodies able to deal with environmental issues has long been
SHOWS (HTT.../FUSION.NET/TV-.../SCHEDULE/1) the federal government stepping in. But there are some big holes in that philosophy.

First, methane emissions are not typically regulated by state agencies. Only four states—Colorado, Wyoming, California and Ohio—have regulations that address methane leaks, according to the Environmental Defense Fund. The OCC's search for the source of the leak at the Walls' home was outside the purview of the agency's typical work.

Even if a state like Oklahoma had a mandate to regulate methane, it might not have the money to take action. A school in the northern city of Pawhuska is dealing with a methane leak so severe that the governor declared (<http://www.newson6.com/story/36187434/pawhuska-schools-canceled-again-due-to-gas-leak>) it a "State of Emergency." Several homes in the Tulsa area have had leaks. Many other cases likely go undetected. But this year Oklahoma only has about \$60,000 set aside for such cases. Budgets in the state are being cut (<https://www.csmonitor.com/Business/2017/1026/Oklahoma-cut-taxes-Now-a-squeeze-on-public-services-forces-a-rethink>), not increased, due in part to low tax rates on oil and gas production.

Slashing the EPA's budget, as Trump and Pruitt have proposed, would leave the feds with less money to disperse to states that need help.

OCC spokesman Matt Skinner said he was still committed to finding a way to help the Walls family, even as he called their situation horrific.

"There's no other word for it," he said. "Of all the cases, of all the things that you wish you could fix, this is certainlythe one that we want desperately to."

Sherry Walls, her 16-year-old son Justin, and 7-year-old daughter Diamond, as well as their two dogs, their cat, and two parakeets, are preparing for their second winter back in the home, going to Girls Scouts meetings and cross country practices, and struggling to stay warm with a wooden pellet stove and two electric heaters in lieu of having no gas service.

Walls still suspects the leak comes from the nearby abandoned wells, or even one that hasn't been identified, but with no clear evidence, she can't get a lawyer to take her case. She can't sell the house. Who would buy it? They could give up everything and walk away, but where to?

"We all know something is seriously wrong," Walls said. "How much longer do I have to fight?"

The Naked Truth producers Connie Fossi and Kristofer Ríos, and correspondent Natasha Del Toro, contributed to this story.

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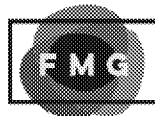
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LOUISIANA ENVIRONMENT AND FLOOD CONTROL

Bayou Bridge Pipeline gets Army Corps permit for Louisiana right of way

Updated Dec 17, 9:26 PM;
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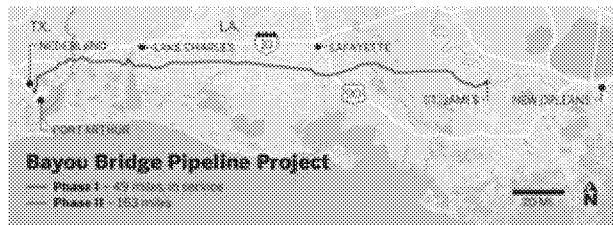
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By **Mark Schleifstein**, mschleifstein@nola.com,
NOLA.com | The Times-Picayune

The controversial Bayou Bridge Pipeline has been granted a permit by the New Orleans District office of the U.S. Army Corps of Engineers to cross southern Louisiana between Nederland, Texas, and St. James Parish, including wetland areas across the Atchafalaya River Basin, the corps announced late Thursday (Dec. 14).

The issuance of the permit prompted an immediate response by environmental groups that have led a multi-year campaign against the pipeline because of concerns about its effects on the Atchafalaya basin's wetlands, including the potential for oil spills.



Bayou Bridge Pipeline route map.

"This is just the beginning," said Anne Rolfes, founding director of the Louisiana Bucket Brigade. "We will resist non-violently now. We will put our bodies in the way to prevent this pipeline from being built because this pipeline threatens drinking water, our crawfishermen, and so much that we hold dear."

The pipeline would deliver light and heavy crude oil to the NuStar Energy LP's terminal in St. James Parish. The first phase of the project, which consists of a 30-inch pipeline from Nederland to Lake Charles, went into service in April 2016, according to the Energy Transfer website. The pipeline is a joint venture between ETP and Phillips 66 Partners, LP, in which Energy Transfer has a 60% ownership interest and serves as the operator of the pipeline.

The Corps' decision to issue the permit for construction of a 24-inch diameter crude oil pipeline followed completion of an environmental assessment, review of its compliance with Section 408 of the Clean Water Act, which regulates projects that cross other corps water projects, and consideration of comments received during a public notice and comment period.

"The Corps neither supports nor opposes this project," said Col. Michael Clancy, commander of the New Orleans District. "Our mission is to apply the best science, engineering and information available to determine if a proposed project complies with all regulations under our authority."

The federal permit on approval of a coastal use permit from the state Department of Natural Resources, which was granted in April, and a water quality certification from the state Department of Environmental Quality, which was granted on Tuesday.

The corps also is requiring the applicant to avoid and minimize impacts to wetlands "to the greatest extent practicable by reducing the proposed project's footprint and pipeline right of way," said a corps news release announcing the decision.

"The 162.5-mile pipeline will temporarily impact 455 acres of jurisdictional wetlands and include conversion of 142 acres of forested wetlands to permanent pipeline right-of-

way, requiring the purchase of 708 acres of mitigation from Corps-approved wetland mitigation banks located within the watershed of impacts," the news release said. "The combination of avoidance, minimization and mitigation will result in zero net loss of jurisdictional wetlands."

The mitigation requirements require the pipeline to buy mitigation credits from 11 separate privately-owned mitigation banks along its routes, which will use the money to restore a variety of wetland types equivalent to wetlands being damaged by the pipeline. That includes freshwater wetlands, cypress and tupelo swamps and other types of natural resource restoration.

Construction must also comply with provisions aimed at protecting nesting periods for a variety of species of colonial wading birds and other birds, including halting construction during nesting periods. Birds required to be protected include anhinga, cormorant, great blue heron, great egret and snowy egret, all of which have different nesting periods.

Builders of the pipeline also will have to survey the route for the presence of both active and inactive eagle nests. "If a bald eagle nest is discovered within 660 feet of the project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles, with the evaluation to be posted on a U.S. Fish & Wildlife Service [bald eagle web site](#).

Workers will also have to take steps to avoid disturbing the habitat of the Louisiana Black Bear, including protecting bald cypress trees of 36 inches or greater at breast height and restrictions on disposal of food and garbage.

The project will also be required to use a "push-pull" method of installing pipeling through inundated wetlands to reduce damage.

"The Corps carefully weighed the energy benefits of the project while ensuring environmental protections remain in place," said Martin Mayer, Chief of the New Orleans District Regulatory Branch. "We will remain vigilant in monitoring the project to ensure that the pipeline remains in compliance with all permit conditions."

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GLENROCK, Wyo. — No place is more likely than this one to benefit from President Trump's promise to make the United States a dominant energy force in the world, or more likely to be disappointed if the promise is not kept.

A sparsely populated expanse of windswept rolling meadows and sharp bluffs filled with pine trees and the occasional ranch and hay farm, Converse County also has some of the country's richest resources: the nation's third-largest coal mine, its largest uranium production facility, four big wind farms, more than a thousand oil and gas wells, and a large coal-fired power plant.

But diversified in nothing but energy, the county and nearly the entire state of Wyoming are acutely vulnerable to commodity prices. And while oil and coal prices have headed higher of late, they remain far below the levels of recent years, resulting in layoffs and plummeting tax receipts.

"For sale" signs dot nearly every residential neighborhood as young energy workers have left to seek jobs in healthier labor markets in Colorado and Utah. Occupancy at the Higgins Hotel, a landmark in this town of 2,500, dropped 80 percent between 2014 and 2016, and according to Doug Frank, the owner, this year there has been "a slight uptick, but nothing noticeable yet."

Nevertheless, like so many others here, Mr. Frank, who is also mayor of Glenrock, has not lost faith in the president.

4

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Mayor Frank said while shaking margaritas and his own high-

octane concoctions for customers at the Antelope Bar in his hotel. “The most amazing thing about his base is the willingness to forgive the cacophony. We see a greater good coming.”

The greater good, in the view of local residents from energy executives to roustabouts, depends on slashing environmental regulations, including restrictions on pipeline building that could deliver more Wyoming oil and gas to faraway markets. They applaud the lifting of the moratorium on coal leasing on federal lands. Many approve of Mr. Trump’s rejection of the Paris climate accord, and the administration’s move to unwind President Barack Obama’s Clean Power Plan, which was designed to control power plant emissions.

They express hope that the president can limit oil imports while encouraging more production and exports. The unflinching sentiment may best be expressed by a sticker appearing on the back of some local pickup trucks that says “Trump 2017-2025,” with the T depicted as a gushing oil well.

“My livelihood, taking care of my family, depended on Trump’s election,” said Bryant Michael, a 27-year-old technician who fills heavy oil-field equipment and trucks with fuel. Unemployed for a year, he was hired in May as drilling began to pick up again.

“I think Washington is a main factor in where we get our oil and what we do with it,” he said. “Somebody was whispering in Obama’s ear. Every time there’s a Democrat in the White House, there’s hardly any work in the oil field.”

Actually, oil and gas exploration soared during most of the Obama administration before it swooned in the final two years. But Mr.

Trump's embrace of coal mining and unfettered energy production is particularly welcome here, since almost everyone is dependent on energy jobs — coal miners and their families, out-of-state oil workers who drill and complete wells, and the business owners and service workers catering to everyone. This is a place that gauges its well-being by the local rig count and, since big-time coal mining began here in the 1970s and 1980s, how often mile-long coal trains pass by.

Things could still be going far better. During the first nine months of the year, coal production at Cloud Peak Energy's Antelope Mine, a pillar of the local economy, increased by a fraction of 1 percent over the same period in 2016, a particularly weak year.

Employment at the mine peaked in 2015 at 616, and is now around 530 — equal to what it was when Mr. Trump was inaugurated — even though the nation's coal exports are up this year.

And there has been little regulatory relief so far, energy executives note. The end of the moratorium on leasing on federal lands means more certainty that the Antelope Mine can be extended someday, but that would not make a difference for more than five years into the future, and only if there is greater demand for coal.

But there are some positive signs. Coal prices have risen, along with natural gas, in part because demand is up in South Korea, Japan and parts of Europe. Four large wind farms have been built in recent years, including one completed last fall, and expansions are on the way. But all of them together, according to county officials, employ at most 100 workers full time.

“People think Trump is a good guy, so people trust his judgment,” said Robert G. Short, a leading Glenrock businessman who is vice

chairman of the Converse County commissioners. But he added: “Are we going back to where we were? The simple answer is no. Coal is diminished and never will likely come back.”

Though few people here say so, the energy workers of Converse County are competing with one another. The hydraulic-fracturing boom is coaxing more natural gas out of the local shale fields, which lowers both gas and coal prices and depresses the attractiveness of nuclear energy. And the growing wind power — helped along by tax incentives enacted at the end of the Obama administration — ultimately eats into the market share of all the other energy sources.

And yet the workers in all the energy sources wistfully see themselves as having common goals and say Mr. Trump may offer the county its last big hope.

A Search for Security

The coal-fired Dave Johnston Power Plant, outside Glenrock, is like a monument to the county's energy legacy. Its giant chimneys and plumes of smoke dominate the skyline by day, while at night it offers a display of colors so bright it looks like a small city from the Rocky Mountain foothills nearby. It is where Shawn Gates is living the Wyoming dream, though he knows it may be ending sooner rather than later.

Since going to work in 2011 at the plant, where his father is also employed, he has worked his way up to become a control room

operator and makes more than \$40 an hour. With overtime and shift differentials, he has, at 36, acquired a solidly middle-class living. He, his wife and their four children live in a comfortable ranch house with a motorboat and a recreational vehicle in the front yard and a trampoline in the back, along with eight horses.

His 10-year-old son, Guthry, hopes to work in the plant as well, extending the family's foothold there to a fourth generation.

During the presidential campaign last year, Mr. Gates said, "job security was on my mind," especially after Hillary Clinton said she was "going to put a lot of coal miners and coal companies out of business." Now he feels better.

"I think my job is fairly secure," he said during a chat at his kitchen table. "I don't think it would have been under Hillary. I can't find another job like mine."

But even as he praises Mr. Trump's goals, he sees warning signs. "I think he will keep fossil fuels operating and keep E.P.A. within limits," Mr. Gates said, referring to the Environmental Protection Agency. But knitting his brow with concern, he added, "They're putting all these wind turbines up that are not cost effective, at the taxpayer's expense."

Mr. Gates's wife, Jesi, a nurse, said Mr. Trump's election was great for Wyoming, but "he can only do so much as one person." She noted that the power plant was tentatively scheduled to be shut down in a decade, adding: "That 2027 date definitely looms in your mind. At least my kids will have graduated from high school by then."

Mr. Gates grew up in Glenrock, and worked for a while as a ranch hand, maintained water wells and did some electrical work. On the side, he took online business classes. But he always had energy on his mind — “that’s what Wyoming is,” he said.

When it was time to raise a family, he followed in his father’s footsteps for the steady salary and insurance. He has done well at the plant, moving from the coal yard to his current position as assistant auxiliary operator responsible for the vital task of checking motors and oil levels.

Like many in Converse County, Mr. Gates expresses a strong distrust for Washington and elites in general. “You need to clean house of politicians,” he said, calling for term limits for Congress.

Even his attitude toward Mr. Trump is not entirely positive: “I think he’s blunt. I don’t think he is dishonest, but I don’t think he’s 100 percent truthful, either.” Still, he said, “he got elected, so let him do his job.”

Wind Jobs, Coal Attitudes

Woody Ricker, a 38-year-old technician at Duke Energy’s Top of the World wind farm outside Glenrock, comes at the energy picture from a different perspective. But his views, like those of many wind workers here, are surprisingly similar to those of workers whose jobs rely on coal.

For years, he has been teased by friends for having an “Obama job” in an area where wind farms are seen as taking business from the coal industry. He also knows that the growth of renewable energy sources in recent years, like the one responsible for his employment, has a lot to do with concerns about climate change.

But Mr. Ricker, like most of his neighbors in and around the town of Douglas, isn't particularly convinced that humans have much impact on climate change.

“I am not convinced on what has caused the change in climate,” he said. “Doing a fix without finding a root cause? I don't see it.”

He anticipated the next question. “So why am I working in the wind industry?” he asked. “I'm not in it for that. I'm in it to produce more American energy, to make it more stable.”

Mr. Ricker, who lives with his wife, Stacey, and their three children in a house surrounded by craggy bluffs and sunflowers, fell into the wind business. Having grown up here and studied biology in college, he owned a local construction company with his father until business dried up during the last recession. When some men who came by to look at one of his properties liked his handiwork, they suggested that he apply for a job with their wind contract business.

Needing good health insurance to pay for his daughter's hip surgery, he made the switch and eventually went to Duke when the big utility took over operations of the wind farm. At a time when many states and business customers are demanding more clean energy, Mr. Ricker is not worried that Mr. Trump might turn against renewables.

“I have had people presume my political leanings because of my job — incorrectly, for the record,” he said.

Although Mr. Ricker has no family roots in the energy business — his father was an assistant pastor who was also a cowboy — he relates to fossil fuels as much as he does to wind.

“Coal and oil are what keep the value of my house where it is,” he said. “I’m hugely in favor of American energy, and if I’m going to pick a state that it will benefit, it’s Wyoming.”

A coal man would not have said it much differently.

‘I Don’t Have to Like Him’

Slowly but surely, women are entering the energy work force, and while they tend to be as outspoken as the men, their views sometimes sharply differ.

Pam Graham, a truck driver at the Cloud Peak mine, is a rarity in Converse County. She’s a Democrat who thinks that climate change is no hoax, that the Affordable Care Act should be fixed and not scrapped, and that as for immigration, “the idea of building a wall is a stupid thing.”

Her choicest words are aimed at Mr. Trump’s treatment of women, which she describes as disrespectful. “I get tired of the tweeting,” she said. “And that whole thing with the grabbing of women, that’s just nasty.”

“Those women should have decked him,” she said sternly as she steered 240 tons of coal loaded on her Komatsu haul truck through the deep canyons of the strip mine. She quickly smiled, and added with a knowing chuckle, “I would have given him a black eye.”

But when she cast her ballot, she said, there was no doubt that she would vote for Mr. Trump.

While not an ideological conservative, Ms. Graham looks to the president to bolster the fortunes of Converse County energy, and in the end that was the most important consideration in choosing him over Mrs. Clinton.

“I don’t have to like him as a person,” she explained. “I was thinking if she won, in a few years we’d probably be out of work. Am I going to find another job that pays \$30 an hour?”

At 53, Ms. Graham is an avid motorcycle rider who brings a personal style to her job. “There’s a view of a coal miner with a black face and dirty fingers, and I don’t look like one — I dress up,” she said. “When I go out to do errands, I like to wear fashionable girlie clothes.”

Before she enters her truck cabin for the day’s first run, she sprays disinfectant on the seats and thoroughly wipes off the dashboard. “I’m probably a little unconventional, yeah,” she said.

Perhaps unsurprisingly, Ms. Graham came to her job in an unconventional way, though her grandfather worked in the oil and gas business as a tool pusher and her stepfather drove water trucks in the oil field. Local coal mining was still in its infancy when she grew up in Douglas, so after dropping out of junior college, she waited on tables and worked as a bartender. She had a child,

divorced and worked as a bank teller and personal loan officer for nearly 12 years.

Tired of banking, she saw an advertisement in the newspaper for coal truck drivers, applied and started working for Cloud Peak. She said the toughest thing about learning the job had been her fear of heights, since a truck cabin is as high off the ground as the roof of a house. “I didn’t look down from the truck for two years,” she said.

Ms. Graham has remarried, to an old high school friend who is a contractor, and she helps take care of five grandchildren. She is one of 61 women employed by the mine. For her, the best thing that Mr. Trump brings is more security.

“Before the election, I felt my livelihood was threatened — not just my job, but my way of life,” she said. “We have a house and a mortgage, and there are 130-some houses on the market around Douglas, so where are we going to go?”

She is less than enthusiastic about the president’s performance, but said he was, at least, putting a spotlight on coal’s importance. “We’re the redheaded stepchild,” she said. “People don’t understand that if it weren’t for us, and they turned on the heat, nothing would happen.”

Robert Gebeloff contributed reporting from New York.

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NEW ORLEANS OPINIONS

All I want for Christmas is a stronger, cleaner planet | Opinion

Updated Dec 17, 7:05 AM;

Posted Dec 17, 7:05 AM



Work is nearly complete on a \$28 million project to restore more than 600 acres of marsh near the mouth of Bayou Bonfouca south of Slidell, the Louisiana Coastal Protection and Restoration Authority reported Nov. 8, 2017. (Patrick Quigley photo)

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By **Bob Marshall, columnist**

Yes, even members of the commentariat get to have Christmas wish lists. Here's mine:

That GOP politicians take the next step on global warming -- They started out calling it a hoax, moved to claiming it's happening but isn't caused by man - and now most say, "OK, man is involved, just not a major factor." But Louisiana's own scientists say reducing greenhouse gas emissions is the key to saving most of the state south of U.S. 90 from sea level rise over the next 60 years. So, the fate of future generations depends on the GOP taking that next step - and soon.

The United States rejoins the Paris climate accords -

- Most climate models show south Louisiana will be swallowed by the Gulf of Mexico before 2100 unless the world is on the path to dramatically reduce emissions in the next 10 to 20 years. The Paris agreement is our only hope - and many climatologists consider that a long shot.

President Donald Trump's decision to withdraw from that effort hasn't hurt yet because the United States has been in an emissions reductions episode from the switch to natural gas, better car fuel economy and growth in solar and wind power. But that edge is expected to end sometime next year, and the experts say the world will be hard put to reach

the Paris goals without the cooperation of the world's largest per-capita carbon emitter - the United States. In other words -- the future of south Louisiana depends on this.

A tax on carbon emissions -- Many experts believe the only way to reach those Paris goals is to have a carbon tax. It would encourage the development and marketing of low-emissions products including everything from cars to lawn mowers.

Make coastal environmental education mandatory in K-12 curriculum -- We need to make sure the next generation is fully aware of the disaster we're saddling them with. They should grow up understanding the risks ahead and the challenges that have to be met if they are going to have a future on the landscape that shaped their culture. They also represent a vast reservoir of brain power we can put to work on the solutions.

Placing a "coastal repair excise tax" on every barrel of oil and cubic foot of gas recovered from or transported across Louisiana -- We should know by now Congress is not going to come up with significant funding for our \$92 billion coastal master plan. Louisiana's only asset for a permanent funding source is the vast energy infrastructure critical to the rest of the nation. Such an excise tax would spread the cost to the rest of the nation, which has benefited from the cheap energy that helped destroy our coast.

Have federal environmental officials chosen by national referendum -- These people are supposed to manage public resources placed in the public trust (land, water, air) for all of us co-owners. And every poll ever taken on protecting the environment shows wide bipartisan support for more protections for cleaner, air, water and public lands -- not less. Yet industries who use our property for personal profit (oil, gas, mining, development) always seem to get the inside edge on such decisions, especially under GOP presidents. Is it any coincidence those industries spend hundreds of millions on congressional and presidential elections? Trump obviously has gone several steps beyond that, appointing people actually hostile to the agencies' mission statements.

Does anyone think Scott Pruitt could have won his office in a race against, say, the president of the National Wildlife Federation? Do you think the nation would vote to decimate national monuments as Trump has decided to do?

Let's give the majority of public property owners a real chance to decide how their property is managed. Put it to a vote.

A mandatory plane ride over coastal marshes for every resident below Interstate 10 -- If a picture is worth a thousand words, a real-life visit is worth a million. Most coastal zone residents have heard about the shrinking coast but have never traveled outside the mud walls protecting them to see just how close the Gulf has moved to their communities. Personal experience has shown me how powerful a motivator that can be.

A constitutional amendment dealing with political speech -- It's obvious that campaign contributions have made a mockery out of the ideal that our government (and, hence, our environmental regulations) are "of the people, by

the people and for the people." Yet the Supreme Court has ruled that political spending is part of speech protected by the First Amendment. So, the solution is an amendment dealing with political speech. I would set a limit of \$1 per person, per race including by the candidate -- and none from businesses or unions or any groups. That would make every citizen equal, and it would set politicians free from begging and allow them to concentrate on issues and vote in the best interests of the majority of their constituents.

OK, Papa Noel, I'll settle for any of those. Enjoy the boudin and beer I left under the tree.

Bob Marshall, former Outdoors editor for The Times-Picayune and former environmental reporter for The Lens, will be writing a regular column. He can be reached at bmarshallenviro@gmail.com.



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#ENVIRONMENT

DECEMBER 14, 2017 / 11:51 AM / 4 DAYS AGO

EPA seeks input to rework rule on lead in drinking water

Reuters Staff



WASHINGTON (Reuters) - The U.S. Environmental Protection Agency said on Thursday it will seek input from state and local officials as it considers how to rework a 1991 rule meant to protect people from lead and copper contamination in drinking water.

FILE PHOTO: Scott Pruitt, Administrator of the U.S. Environmental Protection Agency, answers a question during the Concordia Summit in Manhattan, New York, U.S., September 19, 2017. REUTERS/Jeenah Moon

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The agency invited state officials to give input on revising the Lead and Copper rule at a two-hour meeting on Jan. 8 at the EPA's headquarters in Washington.

EPA Administrator Scott Pruitt said the agency is seeking the input to "properly address lead and ensure communities have access to safe drinking water."

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The move is part of the Trump administration's policy of consulting with state and local officials, or national organizations that represent them, when developing regulations. While the administration is focused on reducing regulations on mining and drilling and other industries, Pruitt says he is focusing on what he calls the core duties of the EPA, which includes water pollution.

The EPA is considering long-term and short-term revisions to the rule including replacement of lead pipes, improving corrosion control treatment requirements, and the role of filters where water is consumed.

Lead is a neurotoxin that can damage brains and cause behavior and stomach problems. There is no safe level of lead in drinking water and children are particularly vulnerable, the Centers for Disease Control says.

Lead poisoning in drinking water became a national issue in Flint, Michigan beginning in 2014. But high levels of lead have also been found in the blood of children in other cities including New York.

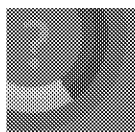
Drinking water is primarily contaminated by corroding water lines and plumbing materials used in the home.

The EPA sent a letter to the Environmental Council of States, the Council of State Governments, the National League of Cities, the U.S. Conference of Mayors and other groups inviting them to participate in the January meeting. The agency said other groups and the public will have opportunities to comment on the rulemaking process.

Reporting by Timothy Gardner; Editing by Marguerita Choy

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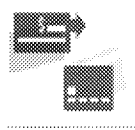
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U.S. Military Not Doing Enough to Prepare Bases for Climate Change, GAO Warns

The Pentagon has been praised for starting to address global warming, but a report for Congress finds the risks aren't tracked well enough at facilities overseas.

BY NICHOLAS KUSNETZ

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DEC 14, 2017





Diego Garcia, a low-lying atoll in the Indian Ocean, is a critical hub for the U.S. Air Force. With an average elevation of about 4 feet, it is at risk from sea level rise and storm surge flooding. Credit: Shane Cuomo/U.S. Air Force/Getty Images

The auditing arm of Congress has warned that the military is failing to adequately plan for the risks that climate change poses to hundreds of overseas facilities, and that engineers at these sites rarely include foreseeable impacts in project designs.

The Government Accountability Office, Congress's nonpartisan oversight agency, wrote that while the Defense Department has identified that climate change and its effects will threaten many of its facilities, these installations are not consistently tracking costs they're already incurring because of extreme weather.

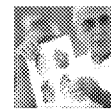
"As a result," the report says, "the military services lack the information they need to adapt infrastructure at overseas installations to weather effects associated with climate change and develop accurate budget estimates for infrastructure sustainment."

The report, requested by a group of Senate Democrats and released on Wednesday, found that the Pentagon had exempted dozens of bases or other key sites from completing a department-wide climate vulnerability assessment.



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Drilling Sites

BY SABRINA SHANKMAN

The authors also found that only a third of the 45 military installations they visited had incorporated **climate change** adaptation into their planning.

The GAO concluded with a series of recommendations, including that the Pentagon should:

- require all military facilities to track costs associated with climate change and extreme weather;
- incorporate adaptation into the development of installation-level plans; and
- administer a climate vulnerability survey at all relevant sites.

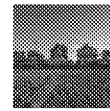
A Defense Department response was included in the report with a letter signed by Lucian Niemeyer, who President Donald Trump nominated to be assistant secretary of defense for energy, installations and environment. It pushed back against some of the findings, stating that blaming infrastructure damage specifically on climate change is "speculative at best" and that "**associating a single event to climate change** is difficult and does not warrant the time and money expended in doing so."

The response also accused the GAO of using outdated Defense Department policies, saying the Pentagon is in the process of updating the National Defense Strategy "to focus resources on threats considered to be critical to our nation's security."

Military Recognizes Climate Risk Is Already Here

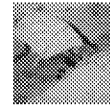
Many climate advocates and planners have praised the military for beginning to address climate change, including trying to assess and warn of the impacts it will have on national security.

Global warming is expected to bring more severe weather and higher seas that will flood some bases, strain their water supplies, inhibit training exercises



An American Beach Story: When Property Rights Clash with the Rising Sea

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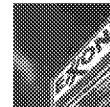
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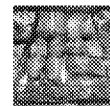
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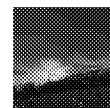
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As 'Epic Winds' Drive California Fires, Climate Change Fuels the Risk

BY GEORGINA GUSTIN

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with extreme heat and, **according to the Pentagon**, worsen instability in parts of the globe. In some cases, these effects have already arrived.

Wednesday's report, however, suggests that the Pentagon has much more work to do.

Naval Station Norfolk, the Navy's largest base, already experiences regular tidal flooding that can block roads and parking lots and shut some of its piers. A **2014 report** by the Army Corps of Engineers identified about 1.5 feet of sea level rise as a "tipping point" for the base, beyond which the risk of damage to infrastructure will increase dramatically, **yet the base has no plan** to address that threat.

Climate Risk Examples: Flooding, Heat, Storms

The report authors said officials at most of the 45 installations they visited described risks to the facilities from the changing climate.

At a missile testing range in the Pacific, extreme tides in 2008 flooded two antenna facilities, while more recent storms have damaged piers and buildings. A facility in the Middle East has begun experiencing more days that are hot enough to suspend all non-essential physical training and exercise.

But the report said the department exempted some facilities from its system-wide survey of climate vulnerability without adequate explanation. In some cases, the department simply stated that a facility did not face any climate related weather risks but gave no assessment of how it arrived at that determination.

Another shortcoming identified by the report is that hardly any of the sites the authors visited actually incorporated climate adaptation into project designs. Climate change was not included in the design of a \$49 million infrastructure project involving a canal in Europe, for example, even though officials said the



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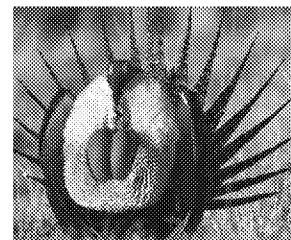
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canal is vulnerable to increased flooding from sea level rise. A project replacing doors at a facility in the Pacific doesn't consider the potential for increasingly strong winds from typhoons.

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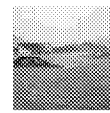
ABOUT THE AUTHOR



Nicholas Kusnetz

Nicholas Kusnetz is a reporter for InsideClimate News. Before joining ICN, he ran the Center for Public Integrity's State Integrity Investigation, which won a New York Press Club Award for Political Coverage. He also covered fracking as a reporting fellow at ProPublica and was a 2011 Middlebury Fellow in Environmental Journalism. His work has appeared in more than a dozen publications, including Slate, The Washington Post, Businessweek, Mother Jones, The Nation, Fast Company and The New York Times.

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BY GEORGINA GUSTIN



House Republicans OK Measure Asking Military to Study Climate Change

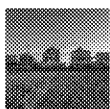
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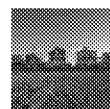
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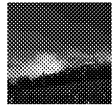
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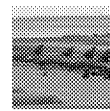
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AIR POLLUTION

EPA to weigh rollback of oil and gas smog guidelines

Sean Reilly, E&E News reporter

Published: Friday, December 15, 2017

U.S. EPA is mulling the repeal of guidelines to curb smog-forming emissions from existing oil and gas operations, potentially signaling the latest in a series of steps that would benefit fossil fuel producers.

As early as next month, EPA officials intend to seek public comment on the possible withdrawal of "control techniques guidelines" put in place last fall to limit releases of volatile organic compounds, according to an [item](#) in the agency's semiannual regulatory agenda released yesterday.

The guidelines are not regulations, but recommendations for state and local air agencies to consider when implementing "reasonably available control technology" requirements to reduce emissions of volatile organic compounds (VOCs) in areas that have problems meeting national air quality standards for ground-level ozone ([Greenwire](#), Oct. 20, 2016).

Asked yesterday why EPA is contemplating repeal, a spokeswoman wouldn't comment for attribution. But that step would be consistent with President Trump's March executive order for agencies to review policies that "potentially burden the development or use of domestically produced energy resources."

At the Independent Petroleum Association of America, which represents small oil and gas producers, Executive Vice President Lee Fuller sent [official comments](#) to the administration in May, urging suspension or withdrawal of the guidelines, arguing they could have a "devastating impact" on low-production wells. Those comments were echoed by dozens of energy industry groups.

Darin Schroeder, staff attorney at the Clean Air Task Force, which backed the guidelines, said the EPA plan "fits in" with the administration's effort to roll back oil and gas industry regulation adopted by both EPA and the Bureau of Land Management last year. "I think it is something that we'll be paying close attention to," he said.

Ozone — a lung irritant that's the main ingredient in smog — is formed by the reaction of volatile organic compounds and nitrogen oxides in sunlight.

The guidelines apply in areas deemed in "moderate nonattainment" or worse for the 2008 ozone standard of 75 parts per billion, as well as the Ozone Transport Region, which encompasses 11 Northeastern states, the District of Columbia and Northern Virginia.

The guidelines are intended to reduce VOC leaks and otherwise limit releases from storage tanks and other equipment. If fully adopted by all the affected states, they will eventually cut VOC releases by 80,000 tons annually, with a side benefit of also reducing releases of methane and air toxics, EPA estimated last year.

But the projected initial cost of implementation was almost \$400 million, which the industry argued would disproportionately affect small businesses that run marginal wells. In crafting the guidelines, Fuller said in an interview this morning, EPA applied technological standards meant for new oil and gas operations to existing facilities.

In IPAA's view, he said, questions of cost-effectiveness and the balance of technological appropriateness were never "fully or accurately addressed."

In issuing the guidelines, EPA required states to update their implementation plans to include the relevant emissions controls by early 2021.

A few states, including Pennsylvania, have signaled their intent to proceed with adoption of the guidelines, Fuller said. While he did not know of any direct impact so far on small producers, "once you start moving down that road, moving back from it can become particularly difficult to do."

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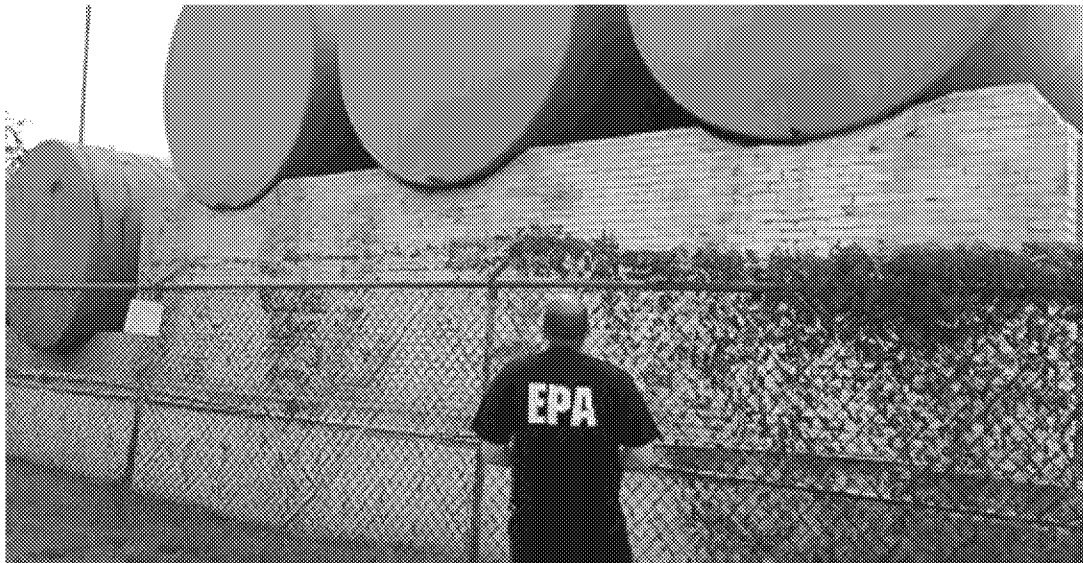
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EPA

IG to probe hurricane response

Kevin Bogardus, E&E News reporter

Published: Friday, December 15, 2017



The U.S. EPA inspector general will look at the agency's responses to hurricanes this year. Here, EPA contractors removed propane tanks as part of the agency's Hurricane Irma response in Everglades City, Fla. U.S. EPA

U.S. EPA's internal watchdog is set to examine the agency's response to this year's hurricane season.

In a [notice](#) released this week, the EPA inspector general said it plans to start "preliminary research" on the agency's preparation and response to the major storms that affected the Region 2, 4 and 6 offices.

"The OIG's objective is to determine how the EPA's preparedness and response efforts during the three major hurricanes of 2017 (Harvey, Irma and Maria) protected human health and water resources from storm-related drinking water and surface water contamination," said the notice, which was signed by Kathlene Butler, the water issues director in the IG's Office of Program Evaluation.

The IG's investigation is "a self-initiated assignment" that is also related to one of its management challenges for the agency: oversight of states, territories and tribes.

Investigators will conduct their work in program offices for water, enforcement, as well as land and emergency management. In addition, they will head to regional offices and check out drinking water and wastewater treatment plants in states that were battered by the hurricanes.

EPA's response to the storms this year has come under scrutiny. Earlier this month at a congressional hearing, Democratic senators blasted the agency for not better preparing for 2017's natural disasters, including hurricanes ([E&E Daily](#), Dec. 7).

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EDITORIALS 4 DAYS AGO

Railroad Commission still a nonbeliever on ties between North Texas earthquakes, injection disposal wells



Dallas Morning News Editorial

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North Texas' seismic tremors aren't predictable, unlike the Texas Railroad Commission's response to earthquake swarms.

A study published recently in the journal *Science Advances* concludes that high-pressure wastewater injection disposal wells used to bury fluids from hydraulic fracturing activities revived dormant faults near Dallas. Like clockwork, the Railroad Commission insists again that this isn't a conclusive link between earthquake swarms and oil and gas activity.

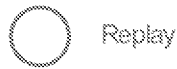


SCIENCE AND MEDICINE

Wastewater injection reactivated dormant faults near Dallas, says new
 CML earthquake study

It's a sad and infuriating response in the face of compelling scientific evidence and represents another example of the commission's failure to be the regulatory watchdog body that this state deserves. A *Dallas Morning News* investigation last year found that the Railroad Commission worked overtime to shield the oil and gas industry from accountability for earthquake activity across North Texas.

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This agency, which remains too heavily focused on promoting the energy industry and beholden to industry campaign contributions, should assert its other role: industry regulator. With the Environmental Protection Agency under attack in Washington, the commission must not turn a blind eye to science and the risks to Texans. And that takes a level of independence and courage that we have not seen, especially in assessing the science behind earthquakes.

The latest research concludes that pressure and fluids from wastewater injections in Johnson and Tarrant counties probably migrated into Dallas and Irving along faults. Dallas and Irving sit above the deepest portion of the Fort Worth Basin, allowing fluid injected elsewhere in the basin to flow naturally toward the two cities. Using a technique similar to an ultrasound scan, researchers showed the faults in North Texas remained dormant until industry activity triggered them.



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6 idiosyncratically iconic Dallas experiences every out-of-state visitor should have

By *WinStar World Casino and Resort*

The commission says it "has long recognized the possibility of induced seismicity related to fluid injection," imposed limited restrictions on wastewater injection, shuttered a few wells and sought more research. So what's so difficult about recognizing what the best available scientific research already knows?



EDITORIALS

Railroad Commission's regulatory failings on earthquake research are stunning

Until it officially acknowledges the link between earthquakes and the disposal wells, the commission will continue to sidestep its responsibility to develop a comprehensive wastewater disposal policy. Currently, gas prices are low. However, as the energy industry rebounds, the commission must be clear on how it plans to protect Texans. That's not just environmental talk; smart regulations can shield the industry, too, from community backlash that in many places has stopped rigs from rolling into town.



EDITORIALS

Abbott, lawmakers' support for real-time earthquake map pays off

North Texas now ranks with some parts of California and Oklahoma for most damaging earthquakes, and with each study, the evidence of these being man-made due to injection well activity only increases. Finding a solution to the problem may be challenging, but the commission must accept the best available science and develop a strategy to balance industry interests with those of Texas residents.

What earthquake science shows and why it matters

"Their work is another piece of evidence that causes us to consider how and where we inject fluids in the subsurface." — Peter Hennings, who oversees a consortium of oil and gas companies that sponsor earthquake research at the University of Texas at Austin's Bureau of Economic Geology in support of the latest research

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POLITICS

E.P.A. Employees Spoke Out. Then Came Scrutiny of Their Email.

By ERIC LIPTON and LISA FRIEDMAN DEC. 17, 2017

WASHINGTON — One Environmental Protection Agency employee spoke up at a private lunch held near the agency headquarters, saying she feared the nation might be headed toward an “environmental catastrophe.” Another staff member, from Seattle, sent a letter to Scott Pruitt, the E.P.A. administrator, raising similar concerns about the direction of the agency. A third, from Philadelphia, went to a rally where he protested against agency budget cuts.

Three different agency employees, in different jobs, from three different cities, but each encountered a similar outcome: Federal records show that within a matter of days, requests were submitted for copies of emails written by them that mentioned either Mr. Pruitt or President Trump, or any communication with Democrats in Congress that might have been critical of the agency.

The requests came from a Virginia-based lawyer working with America Rising, a Republican campaign research group that specializes in helping party candidates and conservative groups find damaging information on political rivals, and which, in this case, was looking for information that could undermine employees who had criticized the E.P.A.

Now a company affiliated with America Rising, named Definers Public Affairs, has been hired by the E.P.A. to provide “media monitoring,” in a move the

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But the sequence of events has created a wave of fear among employees, particularly those already subject to special scrutiny, who said official assurances hardly put them at ease.

“This is a witch hunt against E.P.A. employees who are only trying to protect human health and the environment,” said Gary Morton, an E.P.A. employee in Philadelphia, who works on preventing spills from underground storage tanks. His emails were targeted seven days after he participated in a union rally in March challenging proposed budget cuts. “What they are doing is trying to intimidate and bully us into silence,” he said.

The contract with Definers comes at a time of heightened tension between the news media and the Trump administration. Within the E.P.A., the move is also part of a bellicose media strategy that has been helped at key moments by America Rising — even before its affiliate was hired by the agency.

An E.P.A. official vehemently defended the \$120,000 contract to Definers, saying it filled a need in the media office for an improved clipping service.

“Definers was awarded the contract to do our press clips at a rate that is \$87,000 cheaper than our previous vendor, and they are providing no other services,” a spokesman for the E.P.A., Jahan Wilcox, wrote in an email.

Joe Pounder, a founder of Definers Public Affairs, said several government agencies had contacted his firm about its news-tracking tool, called Definers Console, because they were seeking a service that does a better job of keeping up with the fast-paced news cycle, including tracking of live-streamed videos. He said that agency staff members familiar with the company’s work approached the firm about putting forward a bid and that Mr. Pruitt himself was not, to his knowledge, involved in the decision to select Definers.

“I hope E.P.A. employees realize after a few months that we are providing a really great and invaluable service that advances their mission,” Mr. Pounder said.

He and Matt Rhoades, his partner at Definers Public Affairs, also started America Rising. The two entities share several top executives, including Allan L.

Blutstein, the lawyer who prepared the Freedom of Information Act requests aimed at the E.P.A. employees.

Some Republicans who previously worked for the agency said the hiring of Definers Public Affairs sent a worrisome message to employees already on edge and fearful of retaliation.

“Mr. Pruitt appears not to understand that the two most valuable assets E.P.A. has is the country’s trust and a very committed professional work force,” said William K. Reilly, the E.P.A. administrator under George Bush. “This shows complete insensitivity, complete tone-deafness, or something worse.”

Liz Mair, president of a Republican consulting firm, said that the relatively small dollar amount of the contract was an indication that all the agency was buying was a clipping service, and not some kind of sophisticated intelligence-gathering on employees. But she added that certain E.P.A. staff members actually merited more scrutiny.

“A lot of funky stuff has been going on with E.P.A. staff,” she said.

Mr. Blutstein said in an interview on Friday that his requests to the agency tracked employees who had made public statements critical of Mr. Pruitt. He said he wanted to know if any of them had used agency email inappropriately, or had violated agency rules in some other way — findings that he could use to compromise efforts to undermine Mr. Pruitt’s work.

“It was more of a fishing expedition on my part,” he said of the at least 20 Freedom of Information requests he submitted, most for E.P.A. employees who were union leaders or had spoken critically of agency management since Mr. Pruitt’s arrival.

Even before the E.P.A. hired Definers, the group of companies, political action committees and nonprofit organizations affiliated with America Rising had frequently drafted news releases that put Mr. Pruitt and his policies in a positive light and attacked the administrator’s critics. Many items, including video clips,

also appeared on NTK Network, a for-profit digital news aggregator that Mr. Pounder founded.

In addition to sharing at least nine current and former executives, Definers Public Affairs shares an office building in Arlington, Va., with the multiple arms of America Rising and NTK Network.

E.P.A. staff members said in interviews that they had the right, as private citizens or members of a federal employees' union, to publicly discuss concerns about changes taking place at the agency under Mr. Pruitt's management. Some noted that "media monitoring" could be expected to include tracking of statements made on Twitter and other social media platforms, including potentially critical comments agency staff members make about E.P.A. management.

Michael Cox, who worked at the E.P.A.'s Seattle regional office for 25 years, learned this weekend from an article in The New York Times that he had been among the employees under scrutiny.

Mr. Cox wrote to Mr. Pruitt in March — on the day of Mr. Cox's retirement from the agency — to tell him that he was "increasingly alarmed about the direction of E.P.A. under your leadership," and to urge Mr. Pruitt to "step back and listen to career E.P.A. staff," the letter said.

Just 10 days later, a Freedom of Information request came in seeking Mr. Cox's correspondence on the day of his resignation. The request led to the production of 62 documents, detailing the names of dozens of agency officials, as well as a note he sent to his work colleagues specifically noting that he knew they shared his concerns with how the agency is being managed — names that would now be listed for anyone reviewing the response.

"That does not make me feel very good," he said, knowing that his emails could potentially be used against other employees.

Nicole Cantello, an E.P.A. lawyer in Chicago who has helped lead a series of enforcement actions against major air polluters in the Midwest, and whose emails

also were requested, said the agency's decision to hire Definers caused great concern.

"Now that they are working for the agency, will they have access to agency computers and perhaps try to come after me in a whole bunch of different ways?" she said. "And will they turn over their opposition research materials on us to agency officials? I just don't know. It is very scary. Very, very scary."

Several of the Freedom of Information requests submitted by Mr. Blutstein ask for correspondence between agency employees and members of Congress — such as Senator Sheldon Whitehouse, Democrat of Rhode Island, and Elizabeth Warren, Democrat of Massachusetts — who have been critical of Mr. Pruitt.

"We have seen a lot of nefarious activities from Trump," Mr. Whitehouse said. "But hiring a fossil fuel front group that specializes in political hits and is doing F.O.I.A. investigations of your agency's own employees is a new low."

E.P.A. employees are not the only ones who have been subjects of the group's Freedom of Information Act requests. Mr. Blutstein also has sought emails and other information from at least two climate scientists, Katharine Hayhoe of Texas Tech University and Robert Kopp of Rutgers University, who worked on a sweeping government climate change report. The Trump administration cleared the report for publication earlier this year.

"They're asking for emails related to a document that has already been public and has been reviewed twice by E.P.A. and was ultimately approved by E.P.A.?" Ms. Hayhoe asked. "What do they think they're going to find?"

The nonprofit arm of America Rising, known as America Rising Squared, oversees some of the group's most controversial work on climate change: deploying "trackers" to videotape activists like Bill McKibben, founder of 350.org, and Tom Steyer, the billionaire investor and Democratic donor.

"This is classic propaganda from an authoritarian regime," Mr. Steyer said. "It's distressing that it would even happen in the United States of America."

Brian Rogers, executive director of America Rising Squared and a senior vice president at Definers, would not say who paid for the surveillance. In an emailed statement, he said that the firm had focused on Mr. Steyer and Mr. McKibben because they “aggressively target conservative thought leaders” for scrutiny.

“America Rising Squared is committed to ensuring a balanced debate, and providing a conservative perspective on the issues and actors involved,” Mr. Rogers said.

Mr. Reilly, the former E.P.A. administrator, said the whole sequence of incidents — and now the agency’s involvement in it — was deeply disturbing.

“These are committed people,” he said of the agency employees. “It’s not just a job for them. To put their morale and their good standing in danger is going to risk losing something very valuable to the government and to the country.”

Kenneth P. Vogel contributed reporting.

A version of this article appears in print on December 18, 2017, on Page A1 of the New York edition with the headline: E.P.A. Staff Fears Effort to Target Emails of Critics .

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Nutrient proposal advances

At issue is curbs on phosphorus

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By Emily Walkenhorst [Twitter](#)

This article was published December 17, 2017 at 3:44 a.m.

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The first proposed outline to trade nutrients through a watershed has been approved to take to Arkansas' pollution control board nearly three years after the state Legislature voted to allow the proposals.

Four Northwest Arkansas cities -- Bentonville, Fayetteville, Rogers and Springdale -- proposed the program, which could be used by wastewater treatment plants in the nutrient-beleaguered area to lessen the restrictions on the amount of phosphorus that they discharge into the water, all while another facility in the same watershed has its restrictions tightened.

Too many nutrients, such as nitrogen and phosphorus, can cause algae to grow and harm fish.

Arkansas has narrative nutrient standards for water bodies, not specific measurements, but discharge permit holders are subject to nutrient limits.

In Northwest Arkansas, cities and poultry farmers have been forced to be extra cognizant of their phosphorus contributions since Oklahoma sued poultry companies in 2005 over their contribution to phosphorus levels in the Illinois River. Oklahoma has a numeric standard for phosphorus in the river, which receives water from Arkansas.

Allan Gates, an attorney for the four cities known as the Northwest Arkansas Nutrient Trading Research and Advisory Group, said he would try to get the proposal initiated for approval in state regulations by January. It would go before the Arkansas Pollution Control and Ecology Commission and then would require legislative and gubernatorial approval.

In October, the cities submitted their proposal to the state's Nutrient Water Quality Trading Advisory Panel. Panel members raised concerns about the vagueness of the language, including a reference to the "evidence" that the trade would not negatively impact water quality. So the panel postponed a vote until Dec. 14, when it was unanimously approved with three amendments.

Nicole Hardiman, a panel member and executive director of the Illinois River Watershed Partnership, said the proposal's language remained more vague than she wanted but she said after the vote that it would be a good start toward getting the nutrient trading program up and running.

"I am, as a conservationist, concerned that we are maybe making it too flexible," she said. But she said she understood that flexibility could attract more participants and help officials determine the efficacy of trading on improving water quality.

"If we can do a pilot project here, then perhaps we can do others across the state," Hardiman said.

Panel chairman and Springdale Water Utilities Director Heath Ward did not vote on the proposal, but his utility has been interested in trading as a means of further reducing phosphorus contributions in the Illinois River. Springdale Water Utilities and nearby factories have already

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spent millions of dollars drastically reducing phosphorus discharges because the Illinois River still has too much of the nutrient in it.

"We've moved that needle one more notch, and to me that's important," Ward said.

Three amendments to the proposal expanded on the nutrient trading plan's requirements.

John Bailey, a panel member who works at Arkansas Farm Bureau, presented an amendment that specified the Arkansas Natural Resources Commission because that would determine compliance for certain trades.

The other two approved amendments came from panel member Larry Lloyd, who works for Beaver Water District. Lloyd asked that the proposal require evidence that the trade will not adversely affect a public drinking water source. He also asked that it require trades to take place within a single watershed when the watershed includes a public drinking water source.

The U.S. Department of Agriculture, business groups and some conservation-minded nonprofits have touted the potential of nutrient trading programs to improve water quality and help permit holders meet regulatory limits.

Some opposition to trading programs has emerged elsewhere.

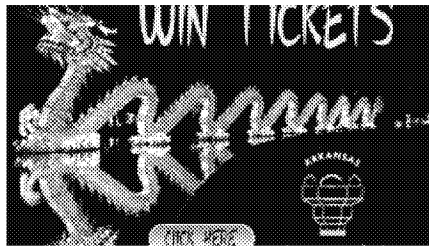
In 2015, the environmental group Food and Water Watch issued a report on nutrient trading that said it allows "previously accountable pollution dischargers to hide behind pollution credits and discharge without any real limits."

The group also expressed concern that the pollution levels of farms were "unverified and uncertain."

Food and Water Watch and another environmental group, Friends of the Earth, sued the U.S. Environmental Protection Agency in 2010 over allowing nutrient trading in the Chesapeake Bay watershed. The suit was dismissed for a lack of standing.

Metro on 12/17/2017

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Federal Water Posse Strikes Again

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The water posse from the Environmental Protection Agency (EPA) and Army Corps of Engineers (Corps) is still out there and as active as ever.

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So you thought the revocation of the Obama administration's onerous rewrite of the Clean Water Act (WOTUS) preserved



By Mike Walsten
(<http://www.agweb.com/news/bio?Authorid=456>)
Pro Farmer
LandOwner Editor

your property rights. Think again. The water posse from the Environmental Protection Agency (EPA) and Army Corps of Engineers (Corps) is still out there and as active as ever.

Note what happened to an Ogle County, Ill., farmer who wanted to do the right thing and reduce soil erosion on his farmland by implementing various soil conservation practices. The farmer consulted with USDA's Natural Resources Conservation Service (NRCS) and then proceeded to install the approved conservation program, including installing grass waterways. He finished installing the waterways in March.

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All good, right? No.

Shortly after completing the installation the water posse from the EPA and Corps showed up on his farm. The double-teaming bureaucrats alleged he violated the Clean Water Act (CWA) by not obtaining the necessary permits to do the work approved by NRCS.

Result: The landowner is caught in the legal crosshairs of multiple bureaucracies each with its own differing objectives and rules.

Apparently this farmer is not the only landowner to experience this bureaucratic squeeze. The Illinois Farm Bureau reports hearing of several similar cases in other Corps districts in Illinois.

Making Matters Worse. Farmers, landowners, soil conservationists and soil researchers know grass waterways are scientifically proven to improve water quality and reduce soil runoff. Apparently the water posse from EPA and the Corps are unaware of this research. But wait, there is more.

Waterways are not continuously running streams or bodies of water subject to the CWA. They flow only when there is heavy rain, which does not fit under the definition of regulator authority under the CWA.

The waterways were installed on cropland, which is also not included in any definition of waters of the U.S. under the CWA.

Additionally, the installation of waterways falls under the definition of conservation practices included in the definition of "normal farming practices." By law normal farming practices are exempt from CWA permitting requirements.

Thanks to the Illinois Farm Bureau and FarmWeek's Deana Stroisch for bringing this issue to our attention.

Auction Action. Two large auctions in Oregon and Texas will test their respective markets.

First up is the sealed-bid auction of 6,000 acres in Walla Walla County, Washington. The property is currently in row crop production with water rights allowing 1,280 irrigated acres under center pivot as well as sprinkler irrigation for 355 acres.

The property is unique due to its potential for permanent crops such as grapes, apples, blueberries and hops. Sealed bids are due Nov. 10. Steve Bruere, Peoples Company, Clive, Iowa, is handling the auction.

On Nov. 14, nearly 12,000 acres owned by NRG Energy of Houston will be auctioned. The property is located in Henderson and Anderson counties, southeast of Dallas and west of Tyler. The ground has been in NRG Energy's hands since the 1980s. A total of 16 tracts, ranging in size from 1.2 to 2,104 acres will be offered. More than 2,500 acres are tillable cropland with remaining land in native grasses and improved coastal Bermuda pastures. Scott Shuman of Hall and Hall, Eaton, Colo., is handling the auction.

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TIMES RECORD

Fort Smith in preliminary stages of consent decree renegotiation

By Alex Golden / Times Record / agolden@swtimes.com

Posted Dec 16, 2017 at 12:01 AM

Renegotiating a mandate that led to sewer bills increasing 167 percent has been a priority for city officials — and they could make progress after a new regional EPA administrator was named this week.

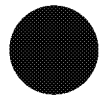
Fort Smith's Board of Directors entered into a federal consent decree with the U.S. Department of Justice in late 2014 without fighting it in court. The consent decree requires that the city make an estimated \$480 million worth of sewer upgrades over the course of 12 years. The order contains several deadline-driven projects such as replacing pipes and programs such as the Fats, Oils and Grease program that regulates what businesses can put down their drains. As of Sept. 26, the city had spent about \$70 million on consent decree-related projects, Utilities Director Jerry Walters said.

City Administrator Carl Geffken, who was hired in 2016 in part because of his experience renegotiating a consent decree as city manager in Reading, Pa., has been vocal about his intent to try to renegotiate Fort Smith's consent decree for more time to complete the projects. However, he's said in recent months that there is little more the city can do until a new Environmental Protection Agency (EPA) region 6 administrator is appointed. The EPA announced this week that Anne Isdal has been appointed to the position, according to a news release. Isdal most recently served as chief clerk and deputy land commissioner for the Texas General Land Office. Region 6 includes Arkansas, Texas, Oklahoma, New Mexico and Louisiana.

Exactly how and when the city will proceed with potentially renegotiating the consent decree remains unclear. City officials have had preliminary meetings to plan how to go forward with renegotiation and are examining their options, Geffken said Friday. They will need to prepare a few different proposals for how the consent decree can be modified.

In July, Geffken testified before the U.S. House Committee of Oversight and Government Reform in Washington, D.C., about how paying for the mandated sewer projects on a 12-year timeline has affected the city's residents, nearly 30 percent of whom live below the poverty line. Sewer bills account for 2.2 percent of median household income, although the EPA recommends that they account for no more than 2 percent.

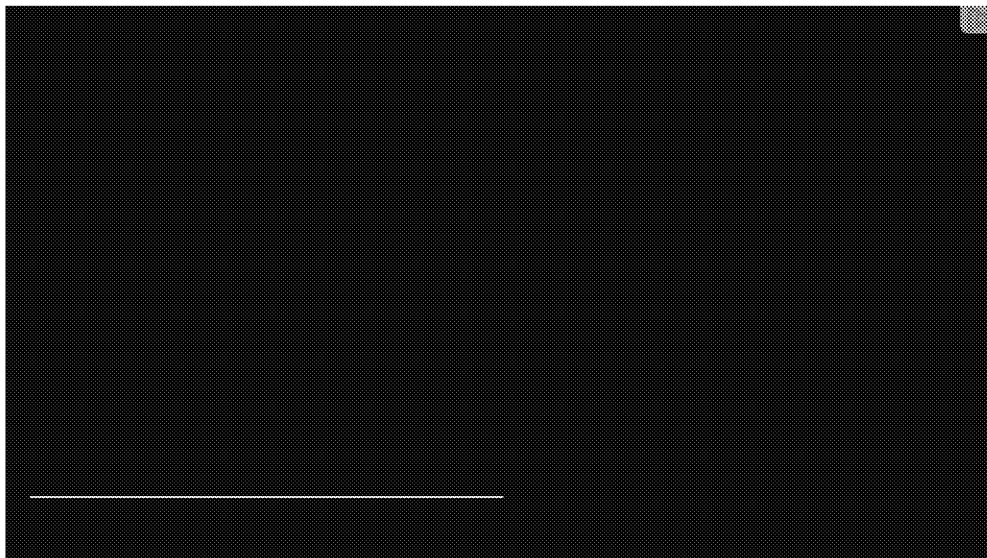
The last of three staggered sewer rate increases went into effect Jan. 1, and Geffken has said that with the current consent decree, the city would eventually have to raise rates again to afford the work.



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News Feature | December 18, 2017

Santa Fe Weighs Ability To Provide Clean Water Among EPA Cuts



By Peter Chawaga, Associate Editor, Water Online

As the Trump administration works to reduce spending by the U.S. EPA, some states fear how cuts could affect their water and wastewater treatment work.

Many states depending on EPA programs like State Revolving Funds (SRFs) to propel their efforts on things like drinking water infrastructure and wastewater treatment technology. A new report from New Mexico demonstrates the issues that could arise if these programs are cut back.

"Over the last five years, grants from the EPA have brought more than \$111 million to the state for environmental programs such as water- and air-pollution control, oversight of drinking-water systems and cleanup of contaminated sites," *The Santa Fe New Mexican* reported. "According to a review by the Environmental Defense Fund, a New York-based nonprofit, EPA cuts could hurt such programs in the state."



President Trump's administration has sought to cut roughly 30 percent in federal spending across the agency, citing unnecessary overreach and austerity as critical reasons to reshape the EPA, per the *New Mexican*. Congressional appropriations introduced in October would lead to several EPA programs and grants getting reduced by about 10 percent.

But not all politicians are on board, especially those whose states' water quality funds could be directly impacted with a loss of federal help.

"U.S. Sen. Tom Udall, D-N.M., the ranking member of the Senate Appropriations Subcommittee, expressed outrage about the appropriations bill, saying in an emailed statement that it 'included unacceptable cuts,'" per the *New Mexican*. "Udall said he intended to introduce an amendment to the bill, which would have increased grant funding for clean-water and drinking-water programs and would have restored funding for chemical safety research, but he didn't have the opportunity because of how the bill was handled."

While these cuts would take place across EPA programs, the water sector is one area that is in particularly dire need of funding and action.

"The E.P.A. is looking to decrease grants that help states monitor public water systems by almost a third, to \$71 million from \$102 million," *The New York Times* reported. "Much of the risk to the country's water supply stems from its crumbling public water infrastructure: a network of pipes, treatment plants and other facilities built decades ago."

To read more about how utilities use federal financial program visit Water Online's Funding Solutions Center.

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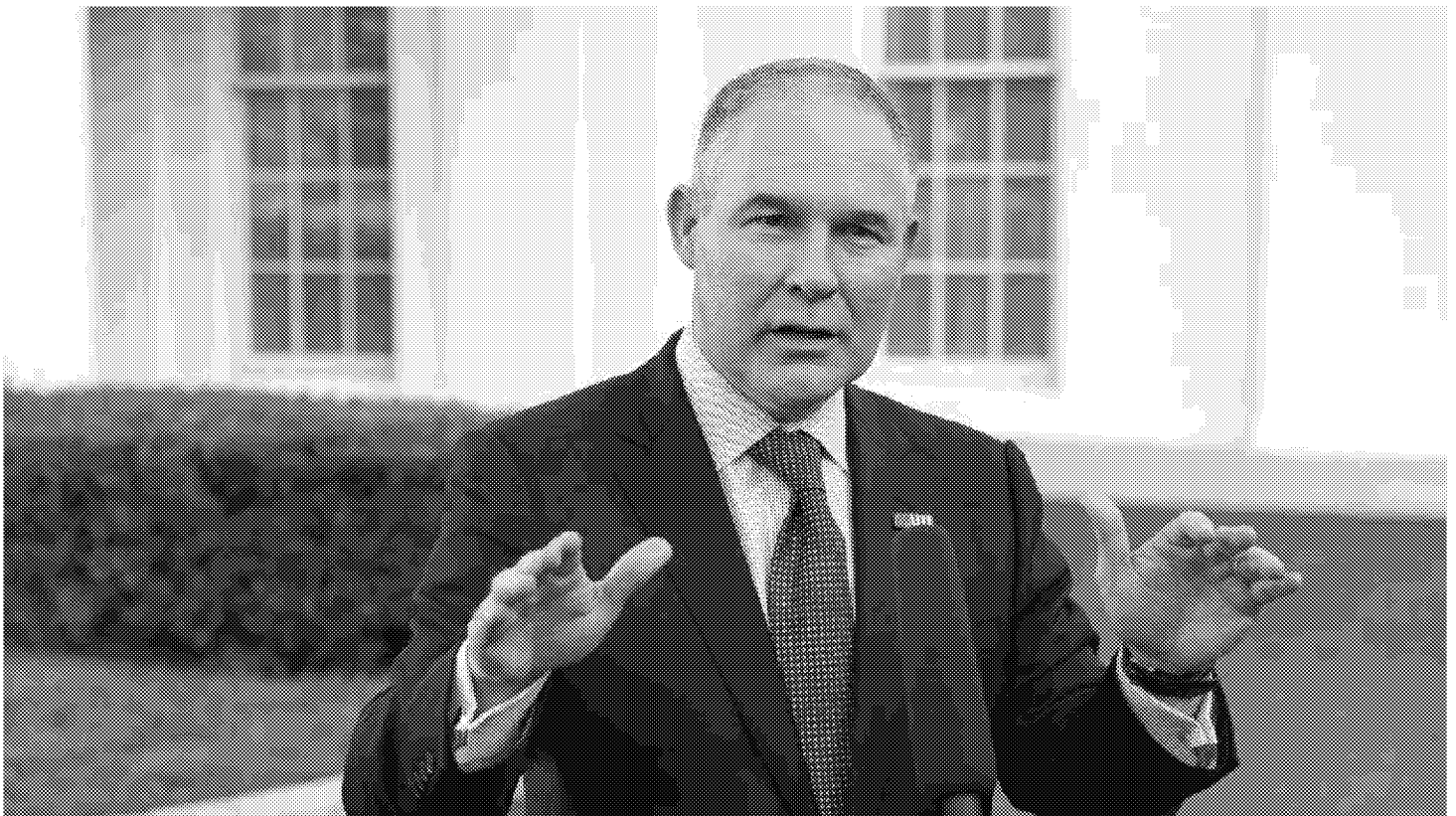
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The EPA Hired a Major Republican Opposition Research Firm to Track Press Activity

It promises “war room” style media monitoring.

REBECCA LEBER, ANDY KROLL AND RUSS CHOMA DEC. 15, 2017 6:00 AM



Mitchell Resnick/Planet Pix/ZUMA Wire

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Using taxpayer dollars, the Environmental Protection Agency has hired a cutting-edge Republican PR firm that specializes in digging up opposition research to help Administrator Scott Pruitt's office track and shape press coverage of the agency.

According to federal contracting records, earlier this month Pruitt's office inked a no-bid \$120,000 contract with Definers Corp., a Virginia-based public relations firm founded by Matt Rhoades, who managed Mitt Romney's 2012 presidential campaign. Following Romney's defeat, Rhoades established America Rising, an ostensibly independent political action committee that works closely with the Republican National Committee and Republican candidates to mine damning information on opponents. Other higher-ups at Definers include former RNC research director Joe Pounder, who's been described as "a master of opposition research," and senior vice president Colin Reed, an oppo-research guru billed as "among the leaders of the war on [Sen. Elizabeth] Warren."

This for-profit consulting firm offers a variety of public relations services such as digital strategy, political consulting, and media relations. According to its website, Definers' clients include Fortune 500 corporations, political groups, and nonprofits. In the past, both Marco Rubio and John McCain used their services, and since the 2016 election so has Rep. Diane Black (R-Tenn.). The client list for America Rising includes the RNC, Republican candidates such as Sen. Pat Toomey (R-Penn.), and super-PACs such as the Mitch McConnell-linked Senate Leadership Fund and Karl Rove's American Crossroads.

The company also specializes in using the press and social media to "validate your narrative." According to the company's website, one of the tools to help do this is its "Definers Console" media-tracking technology. Reed said his firm contracted with Pruitt's office at the EPA, which is the first governmental client to pay for the Definers Console. The technology promises "war room"-style media monitoring, analysis, and advice, according to marketing materials. A brochure for the Console assures users that they will be able to "monitor for potential crises, as well as to track their message dissemination, relevant responses to their messaging, and what competitors' actions have been."

s will be able to "monitor for potential crises, as well as to track their message dissemination, relevant responses to their messaging, and what competitors' actions have been."

Besides monitoring media, users will get analysis and input from their employees whose experience in political campaigns and the business world helps create a unique approach "to intelligence gathering and opposition work. This experience informs the way we gather, synthesize, and disseminate information."

"Definers has been contracted to provide media monitoring services through our Console by the EPA," Reed says. "We provide the same service to a number of corporate and non-profit organizations."

In response to *Mother Jones'* questions about the Definers contract, EPA spokesperson Nancy Grantham said, "The Definers contract is for media monitoring/newspaper compilation." To a question on how the contract came about, she said, "The contract award was handled through the EPA Office of Acquisition Management."

USASpending.gov, a website that tracks federal spending, shows that in early 2016 the EPA signed a \$207,000 contract with a firm called Bulletin Intelligence, requesting similar services. Bulletin is owned by public relations giant Cision, a well-known international PR firm. According to OpenSecrets.org's expenditure data, Bulletin is not political and has not done any recent work for any candidates or PACs. The contract expired in February.

Definers also recently launched a new venture with the global law firm Dentons, which describes itself as combining "political intelligence, legal advisors, campaign-style tactics, lobbying, governmental affairs, research, and communications into one unique offering" to help clients.

The career of at least one of Pruitt's staffers has overlapped with the Republican operatives at Definers. Jahan Wilcox, who previously worked for Marco Rubio's presidential campaign and in rapid response for the Republican National Committee, is now a spokesperson for the EPA.

Wilcox, along with other political staff in Pruitt's EPA press shop, has had some contentious interactions with the press. In one case, when Eric Lipton from the *New York Times* was confirming facts for an investigation into the EPA's industry-friendly approach to chemical regulation, EPA spokesperson Liz Bowman diverted the discussion to other outlets' reporting rather than confirming his questions. Wilcox added, "If you want to steal work from other outlets and pretend like it's your own reporting that is your decision."

On another occasion, shortly after the Associated Press reported on the Superfund sites affected by Hurricane Harvey, the EPA went after one of the bylined reporters in a statement, and an unnamed official later admitted to removing one of the bylined AP reporters from the agency's press list, saying, "We don't think he's a trustworthy reporter." When Pruitt has faced criticism, the EPA highlights friendlier stories from conservative outlets—including *Breitbart*.

Pruitt has come under fire for a general lack of transparency at the EPA. The latest example is his trip promoting natural gas in Morocco. The public learned of his travels when his office posted a media release, causing confusion over why the EPA would not notify reporters ahead of time. This means that information on Pruitt's activities in Morocco will be restricted to the EPA's own spin.

The EPA's work with groups affiliated with Pounder predate this contract. On a handful of occasions, the EPA has promoted positive coverage of Pruitt's actions from the news-aggregation website Need To Know Network. Earlier this year, the website wrote a series of stories designed to shed positive light on the controversial administrator. In one story, the site describes Pruitt as "busy racking up accomplishments that both protect Americans and save millions in taxpayer dollars." Another congratulated Pruitt for moving ahead with plans to open Alaska's Bristol Bay to mining, writing it was "a move that will prove to be a massive job creator for President Trump and Pruitt."

The Need to Know Network was started by Pounder and other operatives connected to America Rising and Definers Corp.



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